

REMARKS

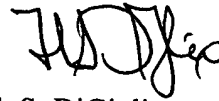
By way of the instant preliminary amendment, Applicants have amended claims 28, 34 and 40 to delete the proviso language. It is observed that the methods of claims 28, 34 and 40 involve the use of “an agent which is capable of crossing the blood brain barrier”. Applicants respectfully submit that, since EDTA is not capable of crossing the blood brain barrier, the proviso language is redundant and is therefore deleted from the claims. Support for such amendment is found in claims 28, 34 and 40 as initially written. See the Preliminary Amendment dated April 19, 2001. No new matter is introduced.

In the Office Action dated October 25, 2002, the Examiner has set forth a requirement for restriction under 35 U.S.C. §121, alleging that the application contains claims which are generic to a plurality of disclosed patentably distinct species of different zinc-binding agents as listed on page 9 of the instant specification. The Examiner requires Applicants to elect a single disclosed species of zinc-binding agents for prosecution on the merits, to which the claims shall be restricted if no generic claim is held to be allowable. The Examiner further requires Applicants to include in the reply a listing of all claims readable on the elected species.

Responsive to the Examiner’s requirement for restriction, Applicants provisionally elect the species of sodium citrate for prosecution on the merits, to which the claims shall be restricted if no generic claim is held to be allowable. Applicants further submit that claims 28-45, i.e., all pending claims, read upon the elected species.

It is respectfully urged that the Examiner reconsider and withdraw the requirement for restriction and provide an action on the merits with respect to all the species.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'F. S. DiGiglio'.

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